

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
CIVIL APPEAL STATEMENT OF PARTIES AND ISSUES**

Case No: 14-2274

Case Name: United States v. DTE Energy Company, et al.

Is this case a cross appeal? ☐ Yes ☒ No

Has this case or a related one been before this court previously? ☒ Yes ☐ No

If yes, state:

Case Name: United States v. DTE Energy Citation: 11-2328

Was that case mediated through the court's program? ☒ Yes ☐ No

Please Identify the Parties Against Whom this Appeal is Being Taken and the Specific Issues You Propose to Raise:

This appeal was taken by Plaintiff/Appellant the United States of America. The Defendants/Appellees are: DTE Energy Company and Detroit Edison Company.

The issues the United States expects to raise on appeal are:

First, may the United States bring an enforcement action where a source's preconstruction analysis failed to comply with the demand growth provisions of the NSR rules? Second, if a source should have obtained a permit at the time of construction, can post-project data preclude an enforcement action?

This is to certify that a copy of this statement was served on opposing counsel of record this 10th day of

October, 2014.

/s/ Thomas A. Benson

Name of Counsel for Appellant